

# 2016 Education Conference Agenda

## “Roads to Recovery”

### Tuesday

**12:30 – 12:45**      **Welcoming Comments**

**Abbie Hudgens, Administrator, Tennessee Bureau of Workers' Compensation & Special Guests**

**12:45 – 1:15**      **Opening Comments**

**Abbie Hudgens, Administrator, Tennessee Bureau of Workers' Compensation**

**Jeff Francis, Assistant Administrator, Tennessee Bureau of Workers' Compensation**

This presentation will cover the accomplishments made by the Bureau over the past twelve months in implementing legislation. Since the 2015 Education Conference, new rules regarding Medical Treatment Guidelines and a Drug Formulary have gone into effect. The Bureau has begun developing an Adjuster Certification Program and is looking for ways to improve the Drug Free Workplace Program. This session will lay the groundwork for the three-day conference by outlining the topics to be discussed in the days that follow.

**1:15 – 2:15**      **What Does it Take to Be World Class?**

**Keynote Speaker—Dick Beardsley, Motivational Speaker, Former World Class Athlete**

Dick Beardsley was ranked as one of the top five marathoners in the world. He won some of the world's most prestigious races. He ran world record holders into the ground. He knows the simple truths of what it takes to be world class and be the best that can be. The same principles that apply in sports apply, as well, in life and business.

Dick will share his life with attendees who will leave knowing that anything is possible, despite any roadblocks or doubts. He will show that with perseverance and courage people can take the next step when they don't think that they can or have it in them. Attendees will leave with the ability to believe in themselves and embrace life's challenges, no matter how daunting. They will leave inspired, having been brought to laughter, tears, the pinnacle, the bottom, and back up again. Dick will walk us through his exciting highs, his dark valley of despair, and through the anguish to that great light of hope and redemption.

**2:15 – 2:45**      **Break**

**2:45 – 3:45**      **What Ethicists Are Not Telling You**

**Presenter—Dr. Lee Camp, Professor, College of Bible and Ministry, Lipscomb University**

For decades, the ethicists have been telling us we must give more attention to “doing the right thing.” The proliferation of “ethics” seminars provides an apparent antidote to the proliferation of high-profile cases of corruption. Although well-intentioned, this approach has nonetheless led us into two unhelpful pits: an unending set of moral dilemmas, and a focus upon rules and legalisms. In this way, “ethics” primarily becomes a discipline of restraint and inhibition: don't do this, don't do that.

For many centuries, “ethics” was not first and foremost concerned with mere rules, but with the purpose of life: What does it mean, for example, to live a good and beautiful life? Who are we? What sort of community are striving to build together? An attempt to answer these questions then leads to another set of important, practical questions: What sorts of shared commitments, habits, and moral expectations will allow us to become that sort of people? “Ethics,” at its best then, is not about constraint and inhibition, but about an authentic liberty to be what we could not otherwise be. Instead of starting with what not to do, ethics is better understood as the rational investigation of what to do, thereby facilitating growth toward what we desire to be. This presentation exposes the dangers implicitly lurking in our “ethics”: the narrowing of our vision, the restraints upon our creativity, the misplaced focus upon the “right,” as opposed to the genuinely “good.”

**3:45 - 4:45**

**But, Doctor—I Still Hurt!!**

**Presenter—Dr. Jeffrey Hazlewood, Board Certified in Physical Medicine and Rehabilitation,  
subspecialty Board Certification in Pain Medicine**

Dr. Hazlewood will provide an update on pain management in the workers’ comp arena in Tennessee. He will discuss new pain guidelines, especially regarding the appropriate use of opioids for chronic pain and the importance of taking a thorough history while conducting a physical examination to make the appropriate “pain diagnosis.” He will explore how these steps assist in eliminating unnecessary imaging and procedures. In summary, Dr. Hazlewood will explain why “pain management is more than just pain pills.”

# Wednesday

## 8:00 – 8:15 **Opening Comments**

**Jeff Francis, Assistant Administrator, Tennessee Bureau of Workers' Compensation**

## 8:15 – 9:45 **Building Better Relationships with the Injured Worker**

**Keynote Speaker—Carl Van, Dean of the School of Claims Performance, Board President of the Claims Education Conference**

The overall focus of this session is to show that the task of improving relationships with injured workers throughout the claims process, in order to increase customer satisfaction, doesn't have to include drastic changes, intense training, or even large capital investments.

Based on his books The 8 Characteristics of the Awesome Adjuster and Gaining Cooperation for Workers' Compensation, Carl Van, ITP, will demonstrate some real-life skills that can help any workers' compensation claims professional learn how to gain customer trust, reduce customer anxiety, reduce phone calls, improve customer's perception of how they are being treated, and make the claims job easier.

## 9:45 – 10:15 **Break**

## 10:15 – 11:15 **Navigating the Mediation Highway—Putting the Settle to the Metal**

**Jeannie Henderson, Mediation Specialist, TN Bureau of WC, Nashville office**

**Amanda Terry, Mediation Specialist, TN Bureau of WC, Nashville office**

**Sarah Byrne, Mediation Specialist, TN Bureau of WC, Nashville office**

**Ginny Lynch, Mediation Specialist, TN Bureau of WC, Memphis office**

This presentation will focus on actual case studies to demonstrate some effective ways the parties can utilize and participate in the telephonic and in-person mediation process to achieve more successful outcomes. There will be a discussion of the awareness of economic factors that impact both employees and employers in a workers' compensation claim and how to assess them in light of a possible resolution. Potential roadblocks during mediation will be identified, and you will learn tips to help you overcome those hurdles to accomplish your goals. You will learn about the Powers of Influence and how you can utilize those powers to persuade the opposing side and reach a resolution.

## 11:15 – 12:00 **Legislative Update**

**Troy Haley, Administrative Attorney, Legislative Liaison, TN Bureau of WC**

**Senator Bill Ketron, Tennessee District 13**

**Billy Dycus, President, Tennessee AFL-CIO**

In this presentation, the Bureau's Legislative Liaison will present all legislative changes related to workers' compensation that were made during the most recent session, provide the dates of implementation, and explain their impact on the current system.

## 12:00 – 1:30 **Lunch (Provided)**

## **Breakout Sessions—1:30 – 3:00**

### **Mirabella F— Avoiding Ethical JEOPARDY!™ For Attorneys**

**Suggested audience—Attorneys, Mediators**

**Presenter: Marshall “Trey” McClarnon, Associate Attorney, Ponce Law**

We’ve all grown up watching JEOPARDY!™. It has been billed as “America’s Favorite Quiz Show” since 1964,. Some of us even recall Art Fleming’s famous intonation of “The answer is...” This program tests teams of experienced attorneys – employee versus employers-side – on their depth of knowledge regarding the Tennessee Rules of Professional Conduct as they pertain to civil practice. Enjoy a lively discussion, while earning 1.5 hour of ethics credit.

### **Mirabella G-J— At the Intersection of the First Report of Work Injury and the Provision of Benefits: Performing a Thorough and Ethical Investigation of the Claim**

**Suggested audience—Human Resource Managers, Adjusters**

#### **Panelists:**

**Mitchell Kemp, Director of Health, Safety, and Environment for Cummins MidSouth, Memphis, TN and Cummins Southern Plain, Arlington, TX**

**Huston Akins, Owner & President, Federated P.I.**

**Alex Morrison, Attorney, Moore, Ingram, Johnson, & Steele**

This session will involve a discussion on the topic of good and bad experiences from an employer’s perspective, with a theme of best practices from an employer’s standpoint while performing a thorough and proper investigation of a workers’ compensation claim. We will have slideshow presentations and question-and-answer sessions with a panel that will include an employer representative, an employer’s attorney, and a private investigator. This will be a lively and open discussion of pertinent issues with audience participation and sharing of questions and experiences.

### **Oakleigh A-B— Stop Hitting Claim Potholes! Allow Us to be Your Guide**

**Suggested audience—Adjusters, Human Resource Managers, Case Managers**

#### **Panelists:**

**Bonnie Hudgens, Program Coordinator, Information Services, TN Bureau of WC**

**April Verdoni, Program Coordinator, TN Bureau of WC, Nashville office**

**Dawn Schwartz, Mediation Specialist, TN Bureau of WC, Jackson office**

**Rhoberta Orsland, Attorney, Court of Workers’ Compensation Claims, Memphis office**

**Robert Marioni, Compliance Specialist, TN Bureau of WC**

Claims potholes are like road potholes. They are often hard to avoid, unseen until the last minute, and can cost you BIG BUCKS if hit! But, there are ways to avoid them. This session will identify the best roads to travel to avoid claims potholes and ensure your travels down the “Roads to Recovery” are smoothly paved and clearly identified. Discussion points will include the importance of:

- Staying in contact with injured employees throughout the claim;
- Providing the employer with regular updates about the injured employee’s return to work status;
- Correcting rejected EDI filings;
- The availability of the Bureau’s Ombudsman Program in providing information to self-represented employees;
- Knowing how to properly determine the impairment rate and,
- Avoiding the “Penalty Potholes.”

## **Oakleigh C—Drug Screens—When, What & How to Test**

**Suggested audience—Case Managers, Medical Providers, Human Resource Managers, Adjusters**

### **Panelists:**

**Dr. Jim Talmage, Medical Review Officer and Assistant Medical Director, TN Bureau of WC**  
**Dr. Tim Robert, Ph. D., Aegis Sciences Corporation**  
**Dave Vigerust, Ph. D., MyGenetx**  
**Dr. T. Scott Baker, Physician Specialist**

With the changing landscape of pain management, when, what, and how to test becomes more important. Issues of timing, frequency, cost, interpretation, and evolving technology will be addressed by an interdisciplinary panel.

**3:00 – 3:30**      **Break**

## **Breakout Sessions Continued**

**3:30 – 5:00**

### **Mirabella F— Navigating the Court of Workers’ Compensation Claims and Appeals Board**

**Suggested audience—Attorneys, Mediators, Adjusters**

### **Presenters:**

**Hon. Ken Switzer, Chief Judge, Court of Workers’ Compensation Claims**  
**Hon. Marshall Davidson, Presiding Judge, Workers’ Compensation Appeals Board**

The creation of the Court of Workers’ Compensation Claims and the Workers’ Compensation Appeals Board was a significant part of the 2013 reforms. Since that time, the number of judges has expanded, statutes and regulations have been tweaked, and cases are now moving steadily through both the trial and appellate systems. This session will provide an update on both Courts, cover basic procedures, and highlight some pitfalls to avoid.

### **Mirabella G-J— Roads to Recovery: Ethical Practices for Employers in Handling Worker’s Compensation Claims**

**Suggested audience—Human Resource Managers, Adjusters, Case Managers**

### **Panelists:**

**Chris McEvoy, Injury Specialist, Volkswagen Group of America**  
**Sheila Bell, Regional EHS Manager, Manufacturing Services, Novolex**  
**Rhonda Brown, Director of Human Resources, Electrolux North America**

Is an employer who pays for claims without reporting them to their insurance carrier acting ethically? What about an employer who drives an injured worker to a specific medical provider without providing a panel of physicians? This session will consist of a panel discussion with employer representatives on the theme of ethical handling of workers’ compensation claims by employers.

**Oakleigh A-B—Future Medicals: Issues on the Road Beyond Recovery**

**Suggested audience—Adjusters, Case Managers, Medical Providers, Attorneys, Human Resource Managers**

**Panelists:**

**Adrienne Fazio, Attorney, Manier & Herod**

**Tyler Smith, Attorney, Leitner, Williams, Dooley, & Napolitan**

**Cathlin Mitchell, President & Owner, Care Management Consultants, Inc.**

**Andrew Roberto, Attorney, The Lawyers of Brown & Roberto**

Each of the presenters will lend their expertise in exploring the often complex decisions that must be made regarding future medical care in workers' compensation cases. The participants will gain an understanding of the information necessary to present when seeking to close future medicals. Life Care plans will be discussed as well as the process for seeking approval of the Center for Medicare and Medicaid Services (CMS) under circumstances that require protecting those interests. There will also be discussion of the processes of dispute resolution when future medicals remain open. The sessions will help all of the professionals involved from human resources, claims adjusters, health care providers, and attorneys.

**Oakleigh C—Four Months of Treatment Guidelines, Drug Formulary-What's Coming August 28?**

**Suggested audience—Case Managers, Medical Providers, Adjusters, Human Resource Managers**

**Presenter—Dr. Robert B. Snyder, Medical Director, TN Bureau of Workers' Compensation**

The Bureau and its stakeholders have now had four months of experience with the medical treatment guidelines. The lessons learned in those months, the educational and outreach efforts conducted by the Bureau, recommendations heard, and alterations made will be explained.

With the Drug Formulary effective date of August 28th quickly approaching, a progress report on the implementation and notification process will be presented.

# Thursday

## Breakout Sessions

8:00 – 9:30

**Mirabella F—What Judges Find to Be Helpful—Maximize Your Chances for Success**

**Suggested audience—Attorneys, Adjusters, Human Resource Managers, Mediators**

**Panelists:**

**Hon. Tim Conner, Judge, Workers' Compensation Appeals Board**

**Hon. Dale Tipps, Judge, Court of Workers' Compensation Claims**

**Hon. Pamela Johnson, Judge, Court of Workers' Compensation Claims**

When faced with the prospect of attending your first hearing or trial in the Court of Workers' Compensation Claims, or your first appeal before the Workers' Compensation Appeals Board, do you feel like the proverbial "deer in the headlights?" As an adjuster or employer representative, do you wonder what will be expected at a hearing, trial or appeal? Attend this session, where a panel of trial and appellate judges will address situations and answer questions about issues which routinely arise during court hearings and appeals. The panel will offer practice tips which will help familiarize you with the correct processes and procedures and help maximum your preparedness.

**Mirabella G-J—Return to Work—A Success Story**

**Suggested audience—Human Resource Managers, Adjusters, Case Managers**

**Presenter—Daniel Miller, President, MPH Consulting**

Mr. Miller was once hired to be the chairman of a return-to-work (RTW) subcommittee for a corporation that owned several major national newspapers. Shortly into his first day, he was told: "We can't do this here; we have a union shop." Several months later, the program he helped design had full union support, and the CEO praised it as having the most effective return on investment in the company's history. His employer reduced lost-wage replacement costs by 33% and saved the company millions of dollars.

Does your company have a formal policy about not having injured workers return to work until they could perform the "full duties" of their jobs? If so, is it really in your company's best interest? Is a "modified duty" program, where disabled employees are allowed to return to some form of meaningful work sooner, a better alternative? What are the impacts of either policy on the productivity of the company? This session will discuss these and other factors involved in return-to-work success stories.

**Oakleigh A-B—Take Care of Your Claimant, Take Care of your Client & Take Care of Yourself**

**Suggested audience—Adjusters, Case Managers, Medical Providers**

**Panelists:**

**Cheryl Rodgers, Field Case Manager, Genex Services, Inc.**

**Kasey Helms, Field Claims Specialist, StrategicComp**

**Jack Boone, Director of Customer, Patient, and Employee Engagement and Talent Acquisition,  
Ascential Care Partners**

**Terry Parker, Director, Vanderbilt Corporate Health Services, Interim Administrative Director,  
Executive Health at Dayani**



This breakout session will highlight situations many adjusters and medical case managers find themselves in relating to ethics and compliance. The intent is to show how making incorrect decisions can negatively impact your claim financially, as well as cost you more time invested in the claim. The session will also provide helpful tips for effective communication and time management skills that will assist in bringing your claim to a resolution.

**Oakleigh C—Reducing Workers’ Compensation Claims Before They Happen--Legal Issues Surrounding Physical Ability Testing—**

**Suggested audience—Human Resource Managers, Medical Providers**

**Presenter—Jim Briggs, Vice President of Business Development, Advanced Ergonomics, Inc.**

As a basic business necessity, employers need long-term employees who can safely perform the job assigned to them. However, there are a number of jobs, particularly those with repetitive manual handling, which have substantial physical demands. Unfortunately, not all of the demands can be eliminated through job re-designs. Thus, people with insufficient physical ability to meet the demands are at increased risk of injury when they are placed on these jobs and they are less likely to stay. Might physical ability testing help identify the best candidates for hiring?

Since physical ability test development is not traditionally covered in health care academic courses, therapists and physicians are often unaware of specific legal regulations and the effectiveness of specific types of employment testing. And, since some applicants will be denied employment on the basis of these physical ability tests, specific types of validation are required by federal law. Which demographic groups are most impacted by these tests? What laws protect them? What are the validation measures that can be taken to protect employers? These, and other issues, will be discussed as Mr. Briggs discusses how to help identify the best candidates for your open positions.

**9:30 – 9:45**

**Break**

## **General Sessions**

**9:45 – 10:45**

**Causation: Medical or Legal Determinations, Panel and Case Law Discussions**

**Panelists:**

**Kitty Boyte, Attorney, Constangy, Brooks, Smith, & Profete**

**Troy Hart, Partner, Moore, Ingram, Johnson, & Steele**

**Michael Fisher, Associate Attorney, Law Offices of Donald D. Zuccarello**

**Steven Fifield, Associate Attorney, Rocky McElhaney Law Firm**

**Dr. Robert Fogolin, Board Certified Orthopedic Surgeon, Premier Orthopedics**

**Dr. Douglas Weikert, Associate Professor of Orthopaedics and Rehabilitation and Director, Division of Hand and Microvascular Surgery, Vanderbilt Health**

Causation is a key concept in Tennessee Workers’ Compensation Law that consists of both medical and legal components. Understanding what medical facts need to be expressed by the physician to support the application of the legal standard by attorneys and judges for medical causation will be the focus of this panel discussion.



The panel will explore situations such as work-injuries that are the primary cause for a need for medical treatment but an underlying pathology already existed. The panel will discuss what findings must be present in an individual's medical record to support a conclusion that factors other than work activity cause an injury or a need for treatment.

**10:45-11:45**

**Case Law Update**

**Fred Baker, Attorney, Wimberly, Lawson, Wright, Daves, & Jones**

Each year, courts issue rulings that interpret the Tennessee Workers' Compensation Act and offer guidance to parties involved in the system. Now, some of those rulings are coming from the new Court of Workers' Compensation Claims and from the Workers' Compensation Appeals Board. Are the judges in these new courts ruling any differently? In this session, Fred Baker will review significant court decisions that were released since last year's Education Conference. Attendees will learn the impact these decisions will likely have on current and future workers' compensation claims and be better prepared in dealing with them.

**11:45-12:00**

**Closing Comments**

**Abbie Hudgens, Administrator, Tennessee Bureau of Workers' Compensation**